



University of Hawai'i at Mānoa

Environmental Center

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HB 178 H. D. 2

Senate Committee on Water, Land, and Hawaiian Affairs

**Public Hearing - March 17, 1999
2:00 p.m., Room 225, State Capitol**

By

John Harrison, Environmental Center
Kem Lowry, Urban and Regional Planning
Jacuelin Miller, Environmental Center

HB 178 would establish an 11-member public-private task force to study and recommend constitutionally-acceptable structural changes to the land use regulatory system.

Our comments on this measure are compiled from voluntarily submitted opinions of the listed academic sources, and as such, do not constitute an institutional position of the University of Hawaii.

The underlying intent of government regulatory oversight is frequently forgotten in the rush to assign blame for economic non-performance. It's worth keeping in mind that regulatory permits are intended to protect public interests and public trust resources, such as shorelines, native forests, open space, coastal water quality, and a wealth of natural capital that is routinely given little or no value in classical economic analyses. Regulatory permits are designed to protect the public welfare, public health and safety. And permits are tools of implementation of thoughtful, farsighted planning to maximize public benefit.

It's also worth noting the full spectrum of obstacles to efficient permit approval:

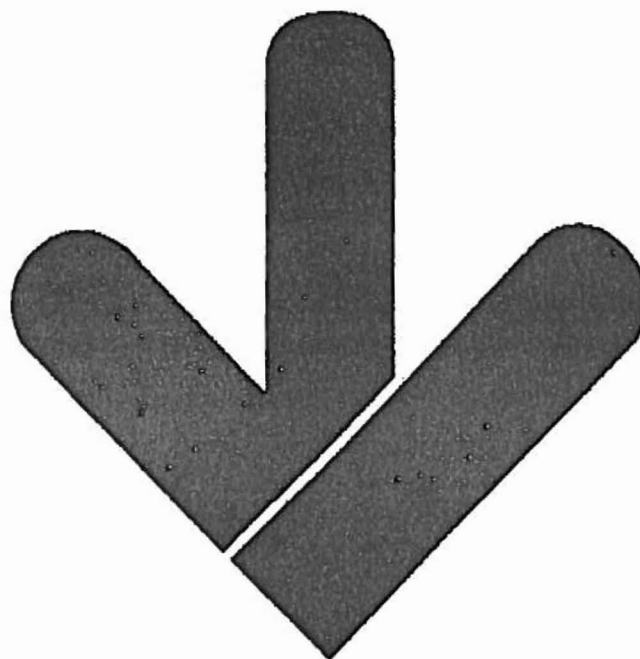
1. Duplication of regulation.
2. Ambiguity of regulation, both legal and bureaucratic.
3. Excessive government zeal in regulatory control.

4. Bureaucratic inefficiency.
5. Applicant non-performance, or improper application.
6. Applicant malfeasance, through provision of inaccurate or misleading information.
7. Applicant metamorphosis, or "midcourse corrections" in design or scope.

Our concern with HB 178 is its single-minded focus on efficiency. Undoubtedly, it is possible to achieve a more efficient system of regulatory approval. However, will it protect natural resources, prevent unsightly sprawl, and serve the public, as well as the private interests?

We should have greater efficiencies for land development proposals that are consistent with existing plans, but if economic development is planned for land zoned for agriculture or conservation, that usually means it is very inconsistent with existing development patterns and should receive more scrutiny.

Recent tourism data indicate that while visitor counts on the outer islands are rising, those on Oahu are dropping. We suggest that this is no coincidence and reflects an empirical visitor preference for open space, rural vistas, and natural resources uncluttered with concrete and other trappings of "economic development". It may be argued that the "barrier to economic recovery" attributed to Hawaii's land use regulatory system at the outset of this measure could be refocused. Rather than looking for fault in the regulatory system, perhaps we should be seeking 21st Century, not 19th and 20th Century development models.



UNIVERSITY OF HAWAI'I

TESTIMONY

SCR 80, SR 35

REQUESTING A STUDY OF THE FEASIBILITY OF
ESTABLISHING AN ENVIRONMENTAL HOTLINE TO BE KNOWN AS AINA-911

Testimony Presented Before the
Senate Committee on Labor and Environment

March 18, 1999

by

John Harrison, Environmental Center

David Duffy, Botany

Elizabeth Kumabe, Sea Grant

Charles Lamoureux, Lyon Arboretum

Jacquelin Miller, Environmental Center

